

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 11 MAY 2005

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| Applicant's or agent's file reference 25791.262.02 | FOR FURTHER ACTION | | See Form PCT/IPEA/416 | | | | | | | | | | | | | | | | |
| International application No. PCT/US04/08073 | International filing date (day/month/year) 18 March 2004 (18.03.2004) | Priority date (day/month/year) 18 March 2003 (18.03.2003) | | | | | | | | | | | | | | | | | |
| International Patent Classification (IPC) or national classification and IPC IPC(7): E21B 17/07, 19/16 and US Cl.: 166/242.7, 380, 208 | | | | | | | | | | | | | | | | | | | |
| Applicant EVENTURE GLOBAL TECHNOLOGY | | | | | | | | | | | | | | | | | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | | | | | | | | | | | | | | | | | |
| <p>4. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> | | | | <input checked="" type="checkbox"/> Box No. I | Basis of the report | <input type="checkbox"/> Box No. II | Priority | <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> Box No. VI | Certain documents cited | <input checked="" type="checkbox"/> Box No. VII | Certain defects in the international application | <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. II | Priority | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | |
| Date of submission of the demand 01 October 2004 (01.10.2004) | | Date of completion of this report 20 April 2005 (20.04.2005) | | | | | | | | | | | | | | | | | |
| Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230 | | Authorized officer <i>D. Wildermuth for</i> David Bagnell Telephone No. 571-272-3600 | | | | | | | | | | | | | | | | | |

Form PCT/IPEA/409 (cover sheet)(January 2004)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/08073

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☒ the international application as originally filed/furnished
- ☒ the description:
 - pages 1-17 as originally filed/furnished
 - pages* NONE received by this Authority on _____
 - pages* NONE received by this Authority on _____
- ☒ the claims:
 - pages 18-21 as originally filed/furnished
 - pages* NONE as amended (together with any statement) under Article 19
 - pages* NONE received by this Authority on _____
 - pages* NONE received by this Authority on _____
- ☒ the drawings:
 - pages 1-8 as originally filed/furnished
 - pages* NONE received by this Authority on _____
 - pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/03073**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

| | | |
|-------------------------------|---------------------------|-----|
| Novelty (N) | Claims <u>1-20</u> | YES |
| | Claims <u>21-26,28-34</u> | NO |
| Inventive Step (IS) | Claims <u>1-20</u> | YES |
| | Claims <u>21-34</u> | NO |
| Industrial Applicability (IA) | Claims <u>1-34</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and Explanations (Rule 70.7)

Claims 21-26 and 28-34 lack novelty under PCT Article 33(2) as being anticipated by Maguire (US 2003/0075337).

It is noted that this reference is being applied to claims 21-34 even though it was published before the priority date of 18 March 2003 because the priority application (US 60/0455718) does not disclose that which is recited in the above claims.

Regarding claim 21: Maguire discloses a method that involves the following steps:

Connecting an apparatus 400 to an upper portion of an expandable tubular member 140 to place the expandable tubular member in tension.

Lowering the apparatus and expandable tubular member into the wellbore where the apparatus support a portion of the expandable tubular member during the lowering.

Regarding claims 22, 25, and 32: A torque is applied to the expandable tubular member and a tubular member 200 of the apparatus via the apparatus (Figure 4).

Regarding claims 23, 24, 28-30, 33, and 34: The apparatus and expandable tubular member are placed in condition for an expansion procedure and the tubular member 200 of the apparatus disconnected.

Regarding claim 26: The method further involves overcoming a resistance in the wellbore, i.e. the resistance of the expandable tubular member to expansion.

Regarding claim 31: A tubular member 200 of the apparatus is connected to the upper portion of the expandable tubular member.

Claim 27 lacks an inventive step under PCT Article 33(3) as being obvious over Maguire (US 2003/0075337) in view of Lauritzen (US 2002/0139540).

Maguire discloses all of the limitations of the above claims except for introducing a sealing material into the wellbore and distributing the material through the bore.

Lauritzen discloses a method similar to that of Maguire. Lauritzen further teaches injecting cement (paragraph 0038) into the wellbore while expanding a tubular in the wellbore.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the method of Maguire to involve injecting a sealing material into the bore as taught by Lauritzen in order to have provided a means for securing and sealing the expandable tubular member in the wellbore.

Claims 1-20 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a third tubular member that is original connected to a first tubular member and not connected to a second tubular member and then is moved such that it is connected to the second tubular member and not connected to the second tubular member where the first and second tubular members are connected.

Claims 1-34 meet the criteria set out in PCT Article 33(4), and thus the tubular apparatus and method for using an expansion apparatus has industrial applicability because the subject matter claimed can be made or used in industry.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/08073

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The drawings are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or content thereof: reference character "76" is not located in the drawings.

The description is objected to as containing the following defect(s) under PCT Rule 66.2(a)(iii) in the form or contents thereof: the copending application data on pages 1-9, 13, and 16 should be updated to include patent numbers or to indicate that the application has been abandon.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/08073

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 1-20 are objected to as lacking clarity under PCT Rule 66.2(a)(v) because of the claims 1-20 are not fully supported by the description. The description does not disclose the claimed invention in a manner sufficiently clear and complete for the claimed invention to be carried out by a person skilled in the art because: it is not clear from the specification or drawings as to what applicant considers the first, second, or third tubular members. There appears to be no two tubulars that are connected as specifically called for with regards the first and second tubulars and have a third tubular that moves from being connected to the first tubular and not the second to being connected to the second tubular and not the first.